

2. Apple proposes the creation of a high capacity, unlicensed, interactive wireless service in the 5 GHz band, capable of transmitting data, video and voice. Not only does Apple propose the use of its "NII Band" to operate wireless local area networks, but also, of great interest to state and local government, Apple suggests that the NII Band would support wide area "community networks". Apple states that its proposed NII Band service could extend "advanced telecommunications offerings to schools, libraries, hospitals, and government agencies . . ." (Petition, Summary, p. ii).

3. Thousands of governmental entities operate at the state, county and local levels, almost all of which consume communications services and find themselves in the "communications business" to one degree or another. The demands placed on government -- to do more with less, to be more responsive, to be more cost efficient, for example -- compel judicious application of advanced communications systems. However, the nature of governmental entities, the legal restrictions placed upon them, limited financial resources, and a variety of other factors often limit their choices and options of communications systems.

4. Apple's Petition describes a service that could benefit state and local government in

meeting their communications needs, particularly because of the capacity of the technology and the equal access to it. As the Commission develops the technical dimensions of this service, we urge the Commission to picture an "average" town government as a user. That town must provide a variety of services, making certain information available to the public while securing the privacy and confidentiality of other information, and at all times ensuring the accuracy and reliability of information despite the existence of multiple users inside and outside of the governmental authority.

5. Consider the physical location of governmental offices. Although sometimes consolidated in a single building, more often, municipal offices are scattered across the community at some distance from one another. Offices separated by several blocks or miles must nevertheless communicate with one another. Moreover, governmental officials are mobile. Building inspectors must visit construction sites. Police officers, fire fighters and rescue workers report to precinct stations scattered throughout the community, and they move across the city in the course of their work. A town maintains utility plants and offices physically separate from Town Hall. People who must do business with the town must go to the town offices when they cannot get their business done over the telephone.

6. The geographic space required to provide local governmental services is vast, and necessarily larger and more inefficient than that used by a commercial business enterprise. While one could physically connect all municipal offices by wire, the cost and logistics of doing so might be prohibitive. A wireless network, or wireless components to a larger network, could overcome some of these problems. And for those places that cannot be wired -- the police officer on his or her beat, the building inspector at a construction site, the rescue worker at the scene of a disaster who needs instantaneous information -- a wireless network provides the only solution.

7. Government is simply precluded from any communications regulatory scheme that incorporates licensing and competitive bidding. Moreover, a government's decision whether to operate its own communications system or to become a customer of some private enterprise, involves many unique considerations. For that reason, Apple's proposal to create an unlicensed service is especially attractive.

8. The public relies on the accuracy of public information. However, a city must never make public certain other information. Apple proposes a two-way interactive system. Digital signal technology will no doubt help maintain the integrity of

communications in the NII Band. Considerably more attention must be given to preventing unauthorized reception and transmission.

9. State and local governments find themselves as the beneficiaries of a political and social trend to decentralize government and to place greater emphasis on services at a state and local level. Popular discourse refers to the "reengineering" of government, which often means applying modern communications systems to governmental functions. Accordingly, it would be desirable to design a communications system around governmental functions, rather than force the governmental functions into some arbitrary communications systems designed by others.

10. Apple's proposed "NII Band" could prove to be a valuable tool for state and local governmental officials. By these comments, we urge Apple to focus attention on the particular needs of state and local governments and how the NII Band can serve those needs and become a valuable tool.

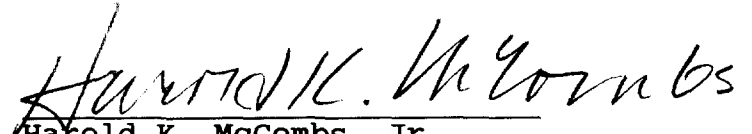
11. State and local governments (local government in particular) encounter difficulties giving voice and being heard at the FCC. We certainly do not mean to suggest that the FCC does not want to hear from or does not listen to state and local governments. To the contrary, we are convinced that the FCC wants to

hear from and will seriously listen to state and local governments. However, governmental officials lack access to information and resources.¹ They must deal with a diverse array of local problems that require immediate attention. They must comply with complex "government in the sunshine" and public meetings provisions. This limits their ability to act quickly and to even participate in Commission proceedings. Accordingly, we urge the Commission to specifically and expressly seek out the participation and input of state and local governmental authorities in the creation and development of this new service, to ensure that their specific needs are understood and met.

WHEREFORE, Duncan, Weinberg, Miller & Pembroke, P.C. supports the adoption by the Commission of a Notice of Proposed Rulemaking, based on the Apple petition.

¹ For example, the FCC Public Notice, Report No. 2077 (Mimeo No. 54242, Released June 8, 1995), announcing the receipt of Apple's Petition and inviting public comments does not effectively put the public on notice, except as a matter of law. Nor does the notice highlight the importance of Apple's Petition and encourage input. As a result, the Commission's processes suffer from the lack of participation.

Respectfully submitted,


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CERTIFICATE OF SERVICE

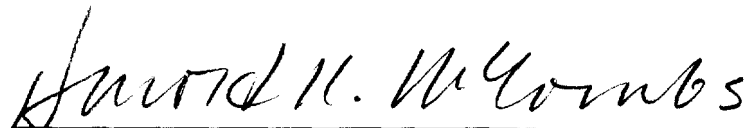
I, Harold K. McCombs, Jr. do hereby certify that I have caused to be served by mail, First Class postage prepaid, this 10th day of July, 1995, copies of the foregoing "Statement Supporting Petition For Rule Making" on the following:

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